

### **REMARKS**

Claims 1 and 13 have been amended. Claims 1 to 5 and 13 to 17 remain active in this application.

The specification has been amended as required.

The issue of double patenting relative to the pending application will be resolved in due course by non-action in the cited copending application. There is otherwise no issue since this application in its present form will not extend the monopoly of Patent No. 6,665,277.

With reference to In re Karlson, 136 USPQ 184 (1963), this decision is inapplicable since the law was changed subsequent to that decision and the enforceability of the subject application will expire concurrently with the cited patent. Accordingly, there can be no extension of monopoly unless the period in this application should be extended, which is presently not the case.

Claims 1 to 4 and 13 to 16 were rejected under 35 U.S.C. 102(e) as being anticipated by Nystrom et al. (U.S. 6,185,244). The rejection is respectfully traversed.

Each of claims 1 and 13 requires that there be either transmitted or received in each time slot each of a plurality of data symbols in each respective time slot and each of a primary, a secondary and a tertiary synchronization code in each said predetermined number of time slots. No such concept is anywhere taught or suggested by Nystrom et al. A reading of Nystrom et al. relative to the figures cited in the rejection nowhere mentions a third synchronization code, let alone a third synchronization code in the same time slot with the first and second synchronization codes.

Claims 2 to 5 and 14 to 17 define patentably over Nystrom et al. for at least the reasons presented above with reference to the claims from which they depend.

In addition, claims 2 further limits claim 1 by requiring that the secondary and the tertiary synchronization codes identify a subset of codes. No such combination is taught or suggested by Nystrom et al.

Claim 3 further limits claim 2 by requiring that the secondary and tertiary synchronization codes be formed from a predetermined order of synchronization code elements, the predetermined order corresponding to the subset of codes. No such combination is taught or suggested by Nystrom et al.

Claim 4 further limits claim 1 by requiring that the secondary and tertiary synchronization codes be formed from a predetermined order of common synchronization code elements. No such combination is taught or suggested by Nystrom et al.

Claim 5 further limits claim 1 by requiring that a mobile receiver identify a first time slot of the frame by the tertiary synchronization code. No such combination is taught or suggested by Nystrom et al.

Claim 14 further limits claim 17 by requiring that the secondary and the tertiary synchronization codes identify a subset of codes. No such combination is taught or suggested by Nystrom et al.

Claim 15 further limits claim 14 by requiring that the secondary and tertiary synchronization codes be formed from a predetermined order of synchronization code elements, the predetermined order corresponding to the subset of codes. No such combination is taught or suggested by Nystrom et al.

Claim 16 further limits claim 13 by requiring that the secondary and tertiary synchronization codes be formed from a predetermined order of common synchronization code elements. No such combination is taught or suggested by Nystrom et al.

Claim 17 further limits claim 13 by requiring that the tertiary synchronization code order corresponds to an order of time slots in the frame. No such combination is taught or suggested by Nystrom et al.

In view of the above remarks, favorable reconsideration and allowance are respectfully requested.

Respectfully submitted,



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